

TRANSMITTAL FORM

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Total Number of Pages in This Submission

Application Number 10/ 619,298

Filing Date 07/14/2003

First Named Inventor Howard Stein

Art Unit 3764

Examiner Name Not yet assigned

Attorney Docket Number Stein-1

ENCLOSURES (Check all that apply)

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| <input type="checkbox"/> Fee Transmittal Form
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<input checked="" type="checkbox"/> Other Enclosure(s) (please Identify below):
Copies of documents and information cited on PTO/SB/08A & B |
|--|--|--|

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm
or
Individual
Signature

Andrew S. Marks

Date

Oct 27, 2003

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: October 27, 2003

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Andrew S. Marks

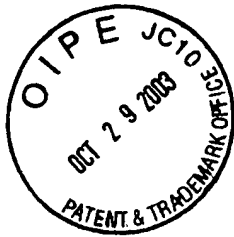
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Oct 27, 2003

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Stein-1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Howard L. Stein
Application No. : 10/619,298
Filed : July 14, 2003
For : MESSAGE BALL AND METHOD OF USE

Wayland, MA 01778
October 27, 2003

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Sir:

Pursuant to applicant's duty of disclosure requirements under 37 C.F.R. §§1.56, 1.97 and 1.98, applicant submits the following documents and information which may be considered material to the examination of this application. These documents and information are listed on the accompanying forms PTO/SB/08A and PTO/SB/08B (substitute for form PTO-1449). A copy of each of these documents and information is provided.

For certain information obtained from the world wide web, applicant is unable to identify the date upon which that information was available. However, in all such cases, the cited web pages and the products advertised thereon were available prior to the filing date of this application.

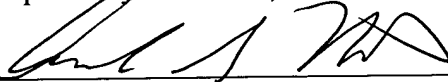
PCT publication WO 00/66065 A1 is a Japanese language document. An English language translation of this document is not available to applicant. This document refers to a foot sole massager which comprises a massage soleplate and a massage rod. The massage soleplate includes some holes. Balls corresponding to the holes in size are arranged in the holes. Protrusions such as teeth may be provided on the massage soleplate. There are some curved teeth on the centre of the massage rod. Applicant is unaware of any disclosure in WO 00/66065 that relates to the heating or cooling of the balls, rod and/or soleplate.

Applicant reserves the right to: 1) establish the patentability of the claimed invention over any of the documents or information provided herewith; 2) prove that any document or information may not be prior art; and/or 3) prove that any document or information may not be enabling for the teachings purportedly offered.

It is respectfully requested that the Examiner consider the documents and information presented herewith in examining the patentability of the presently claimed invention and indicate such by initialing and returning a copy of the enclosed substitute PTO-1449 form. It is also requested that the Examiner list each of these documents and information in the References Cited section of any patent that issues from this application.

This Information Disclosure Statement is being submitted prior to the mailing of a first Office Action on the merits. Accordingly, no fee or certification is believed to be required. 37 C.F.R. §1.97(b)(3).

Respectfully submitted,



Andrew S. Marks (Reg. No. 33,259)
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Tel: (508) 651-9926
Fax: (508) 545-1859

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Substitute for form 1449/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet 1 of 3

Complete if Known

Application Number	10/619,298
Filing Date	July 14, 2003
First Named Inventor	Howard Stein
Art Unit	3764
Examiner Name	Not yet assigned
Attorney Docket Number	Stein-1

U. S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number Number-Kind Code ² (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		US- 4,198,962	04-22-1980	McCauley	
		US- 4,347,838	09-07-1982	McCauley	
		US- 4,329,981	05-18-1982	Dungl	
		US- 4,807,602	02-28-1989	Scarborough et al	
		US- 5,056,507	10-15-1991	Yum	
		US- 4,446,855	05-08-1994	Friedson	
		US- 5,411,470	05-05-1995	Liptak et al.	
		US- 5,785,668	07-28-1998	Shimizu	
		US- 5,605,533	02-25-1997	Badilla	
		US- 5,868,689	02-09-1999	Faroky et al	
		US- 2002/0009118 A1	01-09-2003	Sabo et al	
		US-			
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		US-			

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document Country Code ³ Number ⁴ Kind Code ⁵ (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T ⁶
		WO 00/66065 A1	11-09-2000	Wu		

Examiner
SignatureDate
Considered

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

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**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Sheet 2

of 3

Complete if Known

Application Number	10/619,298
Filing Date	July 14, 2003
First Named Inventor	Howard Stein
Art Unit	3764
Examiner Name	Not yet assigned
Attorney Docket Number	Stein-1

NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
		http://info.product-finder.net/myss/Medium+Thermal+Massage+Ball.html (on-line catalog item - Prana Ball) - available prior to filing date	
		http://www.mcsports.com/product/index.jsp?productId=1368024 (Homedics Sole Therapy Deluxe Vibration Footbath w/Infrared & Rollers) - available prior to filing date	
		http://www.mcsports.com/product/index.jsp?productId=1283593 (on-line catalog item - Altus Massage Stick) - available prior to filing date	
		http://www.mcsports.com/product/index.jsp?productId=1283592 (on-line catalog item - Altus Foot Massage and Balance Balls) - available prior to filing date	
		http://www.lazycomfort.com/acfootmas.html (on-line catalog item - Accu-Flex Foot Massager) - available prior to filing date	
		http://www.lazycomfort.com/footfootmas.html (on-line catalog item - Footsie Foot Massager) - available prior to filing date	
		http://www.lazycomfort.com/woodfootmas.html (on-line catalog item - Foot Rub Massagers) - available prior to filing date	
		B. FULLEM, "Planting the Pain in Your Foot - What Causes Plantar Fascitis and How to Deal with It," https://www.runningtimes.com/issues/02apr/pf.htm (April 2002)	
		http://www.widgets.ws/prod/Walter-Drake/Foot-Care/Hot-and-Cold-Foot-Massager.html (on-line catalog item - Hot and Cold Foot Massagers) - available prior to filing date	
		http://www.luckycat.com/cgi-bin/tbasgo2.pl?2001nov+massager1a=jpg&page17&HE-ROLL&400&228&1 (on-line catalog item - Massage Roller) - available prior to filing date	

Examiner
SignatureDate
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1 Applicant's unique citation designation number (optional). 2 Applicant is to place a check mark here if English language Translation is attached.

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OCT 29 2003

PTO/SB/08B (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet 3

3

C

3

Application Number

10/619,298

Filing Date

July 14, 2003

First Name of Inventor

Howard Stein

Art Unit

3764

Examiner Name

Not yet assigned

Attorney Docket Number

Stein-1

NON PATENT LITERATURE DOCUMENTS

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Signature**

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